

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

LAUREN B. LLOYD)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 3:12-cv-00566
)	
MIDLAND FUNDING, LLC;)	
MIDLAND CREDIT MANAGEMENT, INC.;)	
AND ENCORE CAPITAL GROUP, INC.)	
)	
Defendants.)	

**MOTION FOR CONTINUANCE OF TRIAL DATE
AND PRE-TRIAL DEADLINES**

COMES NOW, the Defendants, Midland Funding, LLC (“Midland Funding”), Midland Credit Management, Inc. (“MCM”), and Encore Capital Group, Inc. (“Encore”) (collectively “Defendants” or “Midland”), and pursuant to Fed. R. Civ. P. 6(b) and Local Rule 38.2, files this Motion for Continuance of Trial Date and Pre-Trial Deadlines:

1. Pursuant to this Court’s Order of February 4, 2014 (Dkt. #15], the trial of this cause is currently scheduled for July 14, 2014 at 9:00 a.m. The final pre-trial conference is scheduled for July 7, 2014 at 2:00 p.m.¹

2. The Defendants currently have pending before this Court their Motion for Summary Judgment [Dkt. #8]. After an extension of time in which to respond [Dkt. #25], the Plaintiff, Lauren B. Lloyd filed a Response [Dkt. #30], to which Midland has filed its Reply [Dkt. #35].

¹ The Order of February 14, 2014 amended the original trial date of April 9, 2014, as provided in the Scheduling Order entered by this Court [Dkt. #5].

3. This Court's ruling on Midland's Motion for Summary Judgment may dispose of a substantial portion of the counts alleged in the Complaint, which otherwise would be heard at the trial of this matter.

4. The Defendants do not seek to impose on the Court's scheduling. However, since the Defendants' Motion for Summary Judgment may dispose of counts alleged in this matter, a continuance of the trial date, pre-trial conference and pre-trial filings will prevent any unnecessary fees and expenses from being incurred by the parties relating to the prosecution of claims and the preparation of defenses that may be adjudicated prior to a trial. Such a continuance will also provide the Court with additional time, as needed, to consider the Defendants' Motion for Summary Judgment.

5. The interests of judicial economy and efficiency would also be served by a continuance. Pre-trial deadlines set for thirty (30) days prior to the trial of July 14, 2014, include motions in limine, proposed findings of fact and conclusions of law, which will be contingent upon the Court's ruling on Midlands' Motion for Summary Judgment. [Dkt. #5]. It will be extremely difficult to streamline the legal and factual issues in these filings prior to a ruling on the Defendants' Motion for Summary Judgment.

6. The Defendants respectfully request this Court to continue the trial date of July 14, 2014 to a later date on which this Court and the parties are available, and which is at least forty-five (45) days after the entry of a final order as to the disposition of the Defendants' Motion for Summary Judgment. The Defendants further request that any unexpired deadlines existing at the time of an order continuing the trial date be applied from the new trial date per the time limitations set forth in the Court's original Schedule Order [Dkt. #5]. The Defendants are not requesting any relief regarding expired deadlines.

7. Pursuant to Local Rule 38.2, undersigned counsel offers the attached Affidavit marked as Exhibit "A" in further support of this Motion.

Respectfully submitted, this the 6th day of June, 2014.

MIDLAND FUNDING, LLC, MIDLAND CREDIT
MANAGEMENT, INC and ENCORE CAPTIAL
GROUP, INC.

BY: BALCH & BINGHAM LLP

BY: /s/ M. Brant Pettis
Of Counsel

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CERTIFICATE OF SERVICE

I certify that on June 6, 2014, I electronically filed the foregoing pleading with the Clerk of Court using the ECF system which sent notification of such filing to the following:

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This the 6th day of June, 2014.

/s/ M. Brant Pettis
Of Counsel